

Anticipated Classification  
of this Application:  
Class 435 Subclass 326

Prior Application:  
Examiner Lee. L.  
Group Art Unit 1645

Attorney's  
Docket  
No. 55099-B/JPW/KRD

01-24-01

A

RECEIVABLE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

R:

January 23, 2001

This is a request for filing a X CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/040,833 filed on March 18, 1998 of

Ilya Trakht for  
Inventor(s)

Development of Human Monoclonal Antibodies And Uses Thereof

Title of Invention

1. X Enclosed is a copy of the prior application, as originally  
filed and an affidavit or declaration verifying it as a  
true copy.

2. X A verified statement to establish small entity status under  
37 C.F.R. §1.9 and 1.27

       is enclosed.

X was filed in the prior application and such status  
is still proper and desired (37 C.F.R. §1.28(a)).

3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	33-20	=	13	X	9	18	= \$ 117	\$
Independent Claims	3-3	=	0	X	40	80	= \$ 0	\$
Multiple Dependent Claims Presented: <u>      </u> Yes <u>X</u> No					135	270	= \$ 0	\$
					BASIC FEE		\$ 355	\$ 710
					TOTAL FEE		\$ 472	\$

\*If the difference in Col. 1 is  
less than zero, enter "0" in  
Col. 2.

<sup>1</sup> filing an application pursuant to this section expressly abandons the  
parent application.

Cont. Div.  
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4.   X   The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- X   Any additional filing fees required under 37 C.F.R. §1.16.
- X   Any patent application processing fees under 37 C.F.R. §1.17.
- The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5.   X   Three copies of this sheet are enclosed.
6.   X   A check in the amount of \$ 472.00 is enclosed.
7.        Cancel claims   .
8.        Amend the specification by inserting before the first line the sentence: --This is a        continuation        division of application Serial No.                         , filed                         .--
9.   X     7   Sheet(s) of        informal   X   formal drawing(s) is/are enclosed.
10.        Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11.        Priority of application No.                          filed on                          in                          (country) is claimed under 37 U.S.C. §119.
- The certified copy of the priority application has been filed in prior application Serial No.                         , filed                         .
12.   X   The prior application is assigned of record to The Trustees of Columbia University in the City of New York.
13.   X   A preliminary amendment is enclosed.
14.   X   The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923) and Raymond A. Diperna (Reg. No. 44,063).

Cont/Div./FWC  
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- (a)        The power appears in the original papers in the prior application.
- (b)        Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White, Esq.

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed Express Mail Certificate of Mailing bearing label No.  
EM525891298US dated January 23, 2001

16.   X   I hereby verify that the attached papers are a true copy  
of prior application Serial No. 09/040,833 as originally  
filed on March 18, 1998.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 23, 2001  
Date

  
Signature John P. White  
Reg. No. 28,678

       INVENTOR(S)  
       ASSIGNEE OF COMPLETE INTEREST  
  X   ATTORNEY OR AGENT OF RECORD  
       FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

Cooper & Dunham

1185 Avenue of the Americas

New York, New York 10036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ilya Trakht  
U.S. Serial No. : Not Yet Known  
Filed : Herewith  
For : DEVELOPMENT OF HUMAN MONOCLONAL  
ANTIBODIES AND USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036  
January 23, 2001

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Sir:

**EXPRESS MAIL  
CERTIFICATE OF MAILING  
FOR THE ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EL 525 891 298 US

Date of Deposit: January 23, 2001  
I hereby certify that this paper or fee is being deposited  
with the United States Postal Service "Express Mail Post  
Office to Addressee" service under 37 C.F.R. §1.10 on the  
date indicated above and is addressed to the Assistant  
Commissioner for Patents, Washington, D.C. 20231.

Printed Name: Ilya Trakht

Respectfully submitted,

John P. White  
John P. White  
Registration No. 28,678  
Attorney for Applicant  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

# ATCC

U.S. PTO  
09/767578  
01/23/01

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

*INTERNATIONAL FORM*

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Cooper & Dunham, LLP  
Attn: John P. White  
1185 Avenue of the Americas  
New York, NY 10036

Deposited on Behalf of: The Trustees of Columbia University in the City of New York  
(Ref. Docket 55099/JPW/SBS)

Identification Reference by Depositor:

ATCC Designation

Human hybridoma fusion partner cell line heteromyeloma B6B11  
Human hybridoma fusion partner cell line trioma MFP-2

HB-12481  
HB-12482

The deposits were accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above. The deposits were received March 17, 1998 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 6, 1998. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: April 6, 1998

cc: Steven B. Stein